

CITY OF LEWISTON

CITY COUNCIL

FEBRUARY 5, 2008

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

THE HONORABLE LAURENT F. GILBERT, SR., PRESIDING.

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Before the regular Council meeting, the Council held a workshop regarding the issue of the Joint Services Commission to follow up on their presentation made at the joint Lewiston-Auburn Council meeting and to discuss recommended next steps. Commission co-chairs Peter Garcia and Bette Swett-Thibeault addressed the Council during the workshop. After this discussion, the Council received a presentation from city staff regarding the issue of the overnight winter parking ban. This workshop topic was not completed before the 7:00pm start time for the regular meeting, so was continued to the end of the meeting.

Pledge of Allegiance to the Flag.

Moment of Silence.

Mayor Gilbert presented a certificate of condemnation to Deputy City Administrator Phil Nadeau in recognition of his recent award from the Androscoggin Chamber of Commerce for the 2007 Public Service Award.

VOTE (40-2008)

Motion by Councilor Reed, seconded by Councilor Bailey:

To dispense with the reading of the minutes of the meetings of January 15, 17 and 22, 2008 and to accept and place them on file was prepared by the City Clerk. Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE REGARDING AMENDMENTS TO THE ELECTIONS ORDINANCE REGARDING THE CITIZEN INITIATIVE AND REFERENDUM PROCESS

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (41-2008)

Motion by Councilor Reed, seconded by Councilor Theriault:

That the proposed amendment to the City Code of Ordinances, Chapter 32 "Elections", Article II "Initiative and Referendum", Section 32-27, receive final passage by a roll call vote.
Passed - Vote 7-0

PUBLIC HEARING AND FINAL PASSAGE FOR AMENDMENTS TO THE SOLID WASTE ORDINANCE TO CREATE A STANDING SOLID WASTE COMMITTEE

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing.

VOTE (42-2008)

Motion by Councilor Dube, seconded by Councilor Bailey:

That the proposed amendment to the City Code of Ordinances, Chapter 62 "Solid Waste", Article IV. "Solid Waste Committee", Sections 62-70 through 62-80, to create a new article to establish the solid waste committee, receive final passage by a roll call vote. Passed - Vote 7-0

PUBLIC HEARING REGARDING ADOPTION OF BOND RESOLUTION IN THE AMOUNT OF \$1,000,000 FOR THE LEWISTON HIGH SCHOOL CULINARY ARTS BUILDING PROJECT

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. Councilor Reed inquired about the timing of this request, noting the building is almost completely built at this point. School Superintendent Leon Levesque said this will be paid for via capital funds and bonding, and the School Committee was under the understanding they were authorized to do a lease/purchase deal without Council approval. Since this is a real estate issue, their attorney advised them they do need Council approval for the bond issuance, since the property belongs to the city. Mr. Levesque note the current building where the program is housed is a building the school leases and they are losing the lease. Dan Caron, culinary arts instructor, stated the program was started twelve years ago and is a very popular and competitive program, noting there are 63 students enrolled currently with many students interested in participating and therefore the need to expand. Councilor N. Peters noted this is an excellent program, but also suggested the School Committee not put the Council into this position again in the future of having no choice but to approve the bond at this late step in the process. Mr. Levesque concurred and stated it was a misunderstanding and an oversight, not an intentional action.

VOTE (43-2008)

Motion by Councilor Poulin, seconded by Councilor Dube:

Be It Ordered that the Bond Resolution of the Municipal Officers of the City of Lewiston, Maine, regarding the authorization to issue bonds in the amount of \$1,000,000 for the Lewiston High School Culinary Arts Building project, and authorizing and approving the bond documents, be adopted:

Ordered, that \$1,000,000 be appropriated for financing the Lewiston High School Culinary Arts Building;

Further Ordered, that to meet this appropriation, \$1,000,000 shall be raised by a Public Improvement Bond Issue;

Further Ordered, that the City Council instruct the Finance Director to advertise for bids for \$1,000,000 Public Improvement Bonds; to award the loan; and to employ Edward Angell Palmer & Dodge to furnish the legal opinion for the same; provided that in the alternative, the Finance Director is authorized to award the loan to the Maine Municipal Bond Bank;

Further Ordered, that the bonds shall be signed by the Finance Director/Treasurer and Mayor;

Further Ordered, that the date, maturities, denominations, interest rate or rates, place or places of payment, form or other details of the bonds and of the provisions for the sale thereof shall be determined by the Finance Director;

Further Ordered, that bonds issued hereunder may be subject to call for redemption on such terms as may be determined by the Finance Director.

Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR DAVINCI'S, 150 MILL STREET

Mayor Gilbert opened the public hearing to receive citizen input and comment. Jules Patry, owner of the business, addressed the Council and was available to answer any questions. Councilor T. Peters inquired about outdoor entertainment on the outside patio and Mr. Patry stated they are considering this possibility this summer. Mayor Gilbert then closed the hearing.

VOTE (44-2008)

Motion by Councilor Reed, second by Councilor Theriault:

To grant a special amusement permit for live entertainment to Davinci's 150 Mill Street.

Passed - Vote 7-0

SPECIAL AMUSEMENT PERMIT FOR THE CAGE, 97-99 ASH STREET

Mayor Gilbert opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Mayor Gilbert then closed the hearing. It was noted that no representatives of the business were present to answer questions and the Council chose to continue the hearing to the next meeting to allow a representative to attend.

VOTE (45-2008)

Motion by Councilor Reed, second by Councilor N. Peters:

To continue the public hearing regarding the issuance of a special amusement permit for The Cage, 97-99 Ash Street, to the next regular Council meeting. Passed - Vote 7-0

REPORT FROM THE LEWISTON-AUBURN RAILROAD AND ANNUAL APPOINTMENT FOR THE LEWISTON-AUBURN RAILROAD BOARD OF DIRECTORS

Robert Thorpe, president of the Lewiston-Auburn Railroad Board of Directors, Lucien Gosselin, Clerk to the Board and Gerald Berube, Board member, were all present and made a presentation to the Council regarding the duties and responsibilities of the Railroad. They also discussed the assets of the board, their recent activities, the history of the railroad and its board structure and relationship with the twin cities. It was noted the Railroad functions with federal and state funds, as well as lease payments for the rail lines from St. Lawrence and Atlantic Railroad. Councilor Theriault suggested the Council could tour the railroad properties in the spring.

VOTE (46-2008)

Motion by Councilor Reed, second by Councilor Theriault:

To accept the nominations from the Lewiston Auburn Railroad Board of Directors and to appoint the following residents to serve on the Lewiston Auburn Railroad Board of Directors: Gerald P. Berube, 3 year term and Eric Agren, 3 year term. Passed - Vote 7-0

APPOINTMENT TO THE BOARD OF DIRECTORS OF THE LEWISTON URBAN CIVIC CENTER ENTERPRISES, LLC

Councilor Reed requested that the Council table this matter until after the executive session at the end of the meeting.

VOTE (47-2008)

Motion by Councilor Reed, second by Councilor Theriault:

To table the appointments to the LUCCE Board until after the Executive Session.
Passed - Vote 7-0

ANNUAL WARRANT FOR PROSECUTING UNLICENSED DOG OWNERS/KEEPERS**VOTE (48-2008)**

Motion by Councilor T. Peters, second by Councilor Bailey:

To issue and sign the warrant for the prosecuting of unlicensed dog owners/keepers, as required by Maine Revised Statutes Annotated, Title 7, Section 3943. Passed - Vote 7-0

REPORTS AND UPDATE

Councilor Poulin stated the School Committee recently met with the Auburn School Committee and they are working together and moving forward collaboratively. City Administrator Bennett updated the Council on the Main Street sewer issue, noting the 12 inch sewer main had a partial break in the pipe with a 50-60 foot blockage in the pipe that has built up over several years. Councilor Theriault stated he went on site to view the pipe and it appears that it simply failed, and that no specific business had created the problem in the area.

OTHER BUSINESS

Councilor Reed stated the Council would like to receive a presentation and complete report from the Bates Mill Task Force at the March 4 meeting. Lincoln Jeffers, city staff to the Task Force, said the group is working to meet that deadline. He noted they were awaiting a report from a consultant which was 2 - 3 weeks late, which delayed the work of the task force. He said the task force is meeting weekly and plans to be ready for the March 4 meeting. Councilor Theriault stated it is important for the Council to receive the report before the budget work begins. The Mayor thanked the task force for their excellent and dedicated work.

Anthony Michaud, a resident of 10 Oak Street, inquired about the sidewalks from Oak Park to the parking garage and the walkways in the area, noting they are not cleared and many residents of Oak Park cannot get to the garage to access their vehicles. He also noted recent vandalism in the garage. The City Administrator will check with the Police Department which oversees the operators of the garage, who are responsible for clearing the area. Councilor Reed also noted the walkway for the bus terminal is not cleared and people are standing in the street to wait for their bus, not the walkway, a very unsafe practice. The City Administrator will follow up on this item as well.

VOTE (49-2008)

Motion by Councilor T. Peters, second by Councilor Reed:

To recess the meeting to enter back into the workshop session to continue the discussion regarding the overnight winter parking ban, then to enter into executive session after the workshop. Passed - Vote 7-0

At this point, the Council continued the workshop that began at 6:00pm and continued to receive presentations from city staff regarding the parking ban. The workshop began at 8:10pm and ended at 8:45pm. At 8:45pm, the Council took a brief recess.

EXECUTIVE SESSION**VOTE (50-2008)**

Motion by Councilor T. Peters, second by Councilor Reed:

To enter into an executive session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Union Negotiations. Passed - Vote 7-0

The executive session began at 9:00pm and ended at 9:45pm.

VOTE (51-2008)

Motion by Councilor Reed, second by Councilor Theriault:

To postpone action on the appointments to the LUCCE Board until after the executive session to be held at the meeting of February 19. Passed - Vote 7-0

VOTE (52-2008)

Motion by Councilor Reed, second by Councilor Theriault:

To adjourn at 9:48 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine